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9 District of Nevada
Of Counsel

11 **UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,)
13 Plaintiff,) Case No.: 2:15-cv-02424-APG-GWF
14 v.) **UNOPPOSED MOTION REGARDING
15) DEADLINES UNDER LR 26-1**
16 CONSTANTIN OCHESCU,)
17 LILIANA COSMA,)
18 DITECH FINANCIAL LLC, and)
REPUBLIC SERVICES, INC.,)
Defendants.

20 The discovery stay the United States previously requested will end on August 15, 2016. The
21 United States therefore moves that the Court order the parties that have appeared in the case to submit
22 their joint discovery report, as required by LR 26-1, within two weeks of the Court's order. Defendants
23 Ditech Financial LLC ("Ditech") and Republic Services Inc. ("Republic") have consented to this
24 motion; the other defendants have not yet appeared, and the Clerk has noted their default. (ECF No. 23).
25 In support of its motion, the United States submits the following:

1 BACKGROUND

2 This is a civil action concerning federal income taxes. The Complaint (ECF No. 1) alleges that
3 defendant Constantin Ochescu failed to file his federal income tax returns for the 2002-2009 and 2011
4 tax years. The United States seeks a judgment against Mr. Ochescu for the taxes the IRS assessed for
5 those years, based on an examination the IRS conducted using W2 forms, reports from financial
6 institutions, and similar sources. (*See id.* at 4). The Complaint also seeks to satisfy a portion of the
7 judgment by foreclosing on real property that Mr. Ochescu transferred to his wife, defendant Liliana
8 Cosma. The United States had previously filed tax liens on the property. Defendants Republic and
9 Ditech were named because they may also have liens on the property.
10

11 Mr. Ochescu and Ms. Cosma were difficult to serve. Because the Complaint centers on Mr.
12 Ochescu's conduct—his failure to pay his income taxes and his decision to transfer the property at issue
13 to his wife—the United States moved to stay scheduling matters and discovery for all parties until Mr.
14 Ochescu and his wife were served and had time to respond. (ECF No. 14). The undersigned counsel
15 then learned that Mr. Ochescu had attempted to submit tax returns for at least some of the years at issue.
16 (*See ECF No. 26 at 3*). The United States requested an additional stay to provide time to review the
17 returns, in the hopes that Mr. Ochescu had recognized the importance of his tax obligations and would
18 respond to the suit or otherwise cooperate. Meanwhile, the United States hoped to reach a stipulation
19 with Ditech and Republic that would resolve any claims between them without discovery.
20

21 However, the additional stay the United States requested is expiring, and neither Mr. Ochescu or
22 Ms. Cosma have contacted the United States or appeared in the suit. The United States intends to move
23 for a default judgment against them. Counsel for the United States has been in touch with counsel for
24 Ditech and Republic, but the parties have been unable to reach an agreement as to the claims between
25 them.
26

REQUEST FOR RELIEF

The United States respectfully submits that the parties that have appeared—the United States, Ditech Financial LLC, and Republic Services, Inc.—should conduct a Fed. R. Civ. P. 26(f) conference, and discuss the stipulated discovery plan and scheduling order called for under LR 26-1. The United States requests that the parties be given two weeks from the date of the Court’s order on this motion to conduct the conference and submit the discovery plan or take other appropriate action.

Dated: August 11, 2016

Respectfully submitted,

CAROLINE D. CIRAOLO
Principal Deputy Assistant Attorney General

/s/ E. Carmen Ramirez
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IT IS SO ORDERED:

Email: E.Carmen.Ramirez@usdoj.gov
Western TaxCivil@usdoj.gov

UNITED STATES MAGISTRATE JUDGE

DATED: August 12, 2016

DANIEL BOGDEN
United States Attorney
District of Nevada

Attorneys for the United States of America

1 IT IS SO ORDERED
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3 SEE ABOVE
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United States District Judge

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CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that service of the foregoing is made this 11th day of August, 2016
on the following parties, by the following means:

By U.S. Mail:

Constantin Ochescu
8064 Cetus Circle
Las Vegas, NV 89128

Liliana Cosma
8064 Cetus Circle
Las Vegas, NV 89128

By ECF:

Republic Silver State Disposal, Inc. d/b/a Republic Services, Inc.
c/o Donald H. Williams
Williams & Associates
612 South Tenth St.
Las Vegas, NV 89101

Ditech Financial LLC
c/o Rebecca Kern
Aldridge Pite LLP
520 South 4th St., Suite 360
Las Vegas, Nevada 89101

/s/ E. Carmen Ramirez
E. CARMEN RAMIREZ
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